D.B.CIVIL SPECIAL APPEAL NO. 1516/2006

Satyendra Kumar & anr.
v.
Board of Revenue, Rajasthan & ors.

Date of order : 02.04.2007.

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

. . .

Shri Raghavendra Singh for the appellants

Application seeking 368 days delay in filing the appeal has been put up for consideration but we looked into merit of the case so that the condonation may not be a futile exercise, and accordingly heard the counsel.

This appeal is directed against the order of the learned Single Judge dismissing the writ petition in view of the dismissal of S.B.Civil Writ Petition no. 5414/1997 observing that the Board of Revenue has decided the appeal on appreciation of materials available on record and the findings of fact do not call for interference for any interference under Article 226 of the Constitution of India.

It appears that two appeals, Nos. 337/90/decree/T.A./Kota and 338/90/decree/T.A./Kota, were disposed of/dismissed by the Board of Revenue by a common order on 8.2.1996. The other writ petition S.B.Civil Writ Petition no. 5414/1997 had arisen

from the same very order as regards one of the cases. Counsel fairly states that the order passed in S.B.Civil Writ Petition no. 5414/1997 was not appealed against. The order of the Board of Revenue having become final by the dismissal of S.B.Civil Writ Petition no. 5414/1997, we do not think a different order can be passed as regards the other case in this appeal. Even otherwise we are in agreement with the observation of the learned Single Judge that the matter is concluded by concurrent findings of fact and there is no scope for interference in writ jurisdiction. In the circumstances, no purpose would be served by condoning the delay.

The appeal is dismissed.

(MOHAMMAD RAFIQ), J. (S.N.JHA), C.J.

mathur/